

## CIVIL ACTION NO. 06-209-JJF

To : Judge Joseph T. Farnan Jr.  
 From : David De Jesus sr  
 Date : 1-17-07

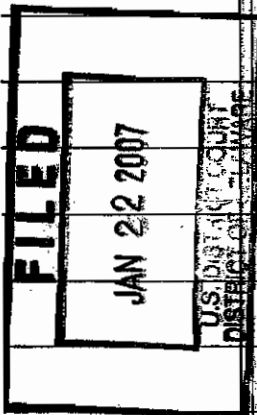
RE : Answer to obtain a Preliminary Injunction

If it is truth that they are helping & seeing me how  
 I'm with what? I tell the nurses & G's that I need help  
 and its like me telling the wind and also the warden.

I need emergency medical attention these people  
 are playing games with my Health & life I'm very sick  
 and need to go to a real Hospital on the outside my  
 skin is very yellow my eyes are black and sunken, I  
 appear dead when I eat I vomit all with pain, so  
 if they are so call helping me why I'm in so much  
 pain and they know this all my Defendants.

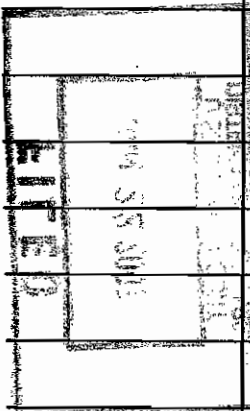
I will be the next person in Del who die in Jail if  
 I dont get help. Please help, I even got Infection  
 where they took a mole out and because no one has  
 come to clean it, it got Infected, I even been put in  
 the hold for being sick. come out 3 time a week  
 for a "hr" is that help or cruel and unusual  
 punishment, Please move me out of here. They  
 are punishing me and the warden know about it here  
 is some copy that he dose not care what they  
 do to me. even a Dr Smith said to me I should  
 not be in no program with my Health like it is  
 but they dont care but to cover them self & use  
 a lawyer like Erika P. Toss to get away with murder  
 I thow that Attorney General was for the people?  
 Please for the Love of God help me. God Bless You  
 Please dont let me die over from David De Jesus Sr

BD  
 scanned



PS 3 biopsy order in still none has been done  
If you can see all ordered when the court  
Deadline mandates it but yet till this  
date I have yet to receive one.

let the Jury see there lie's  
If I make it, Please help me



Handwritten text: "Xerox of  
RD"

To: The warden

From: David De Jesus Sr

Date: 1-3-07

RE: Your Memorandum

I write to you & have show you with copy that I can't be in the  
Key program because I am sick and my co-Defends that I  
help the with PD, so if that was not a good reason than  
with my Health I am dying with a bad liver and no help  
I said to her all this and the appeal so if something  
happen to me I did let you know and you did not care

Thank you

David DeJesus Sr

cc

ACLU

us District court

my family



STATE OF DELAWARE  
DEPARTMENT OF CORRECTION  
HOWARD R. YOUNG CORRECTIONAL INSTITUTION  
1301 EAST 12<sup>TH</sup> STREET  
WILMINGTON, DELAWARE 19809  
Telephone: (302) 429-7747  
Fax: (302) 429-7716

Raphael Williams  
Warden IV

**MEMORANDUM**

TO: David DeJesus, 209513  
1E Pod 7

FROM: Warden Raphael Williams *R Williams*

DATE: January 3, 2006

SUBJ: **YOUR RECENT CORRESPONDENCE**

*You were placed on 3.8 sanctions for failure to participate in a classified treatment program. Ms. Salter shall take any action deemed appropriate.*

RW:adc

**DISTRIBUTION**

Michele Salter, Classification Officer I  
File

*don't care*



STATE OF DELAWARE  
DEPARTMENT OF CORRECTION  
BUREAU OF ADULT CORRECTION  
**HOWARD R. YOUNG CORRECTIONAL INSTITUTION**  
P.O. BOX 9279  
WILMINGTON, DELAWARE 19809  
TELEPHONE (302) 429-7700

MEMO: Sanctioned Program

TO: All Concerned Personnel

FROM: Authorized Personnel, Michele Salter, Inmate Classification Officer I  
(Name and Position)

SUBJ: I/M Dejesus, David      SBI #209513      ~~LOC. Dorm 1~~

DATE: December 22, 2006

PROGRAM: Key Civigenics

COMMENTS: Inmate refuses to sign consent to treatment, thereby refusing participating in program

The above inmate is determined in violation of DOC Policy 3.8 that requires that offenders participate in any treatment/rehabilitation program for which they are classified. BOP Procedure 4.2 list "Refusal to participate in a classified program or to behave in a way that results in removal" as a Class 1 Offense (1.29). As such, the above inmate will receive a Loss of All Privileges; (LOAP), be housed on the "Disciplinary Housing Unit"/"Special Management Unit", (1E/1F pod), and may be subject to a Class I report. By authority of same and in accordance with the established Non-Compliance Sanction Schedule for this violation, I hereby request the following sanction be imposed.

**PHASE I**

**Start Date: December 22, 2006**

**End Date: January 4, 2006**

**XXX Relocate to 1E/1F**

**XXX 14 Days LOAP**

**PHASE II**

\_\_\_\_ Class I report will follow

xc: Dave Williams, Security Superintendent  
Capt. Carol Jefferson  
Capt. David Bamford  
Capt. Balwant Singh  
Primary Control  
Secondary Control  
Current Housing Unit Officer

Relocated Housing Unit Officer  
Tysha Bryant, Classification Officer II  
Program (sanctioned)  
Classification File  
Inmate File  
Inmate  
File



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Fax: (302) 429-7716

Raphael Williams  
Warden IV

**MEMORANDUM**

TO: David Dejesus, 209513  
~~REDACTED~~

FROM: Warden Raphael Williams *phile*

DATE: January 4, 2007

SUBJ: **YOUR RECENT CORRESPONDENCE**

*The medical department has been alerted to your health concerns and Doctor Kendall has referred you for outside consult. Furthermore, there is no indication from the doctor or other health care professional that you cannot participate in the Key Program for health reasons.*

RW:adc

**DISTRIBUTION**

Michele Salter, Classification Officer  
File

*This been  
said almost 2  
the hold time  
I been held  
year,*



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WILMINGTON, DELAWARE 19809  
TELEPHONE (302) 429-7700

MEMO: Sanctioned Program

TO: All Concerned Personnel

FROM: Authorized Personnel, Michele Salter, Inmate Classification Officer I  
(Name and Position)

SUBJ: I/M Dejesus, David SBI #209513 ~~INMATE~~

DATE: January 3, 2007

PROGRAM: Key Civigenics

COMMENTS: Inmate refuses to sign consent to treatment, thereby refusing participating in program

The above inmate is determined in violation of DOC Policy 3.8 that requires that offenders participate in any treatment/rehabilitation program for which they are classified. BOP Procedure 4.2 list "Refusal to participate in a classified program or to behave in a way that results in removal" as a Class 1 Offense (1.29). As such, the above inmate will receive a Loss of All Privileges, (LOAP), be housed on the "Disciplinary Housing Unit"/"Special Management Unit", (1E/1F pod), and may be subject to a Class I report. By authority of same and in accordance with the established Non-Compliance Sanction Schedule for this violation, I hereby request the following sanction be imposed.

**PHASE II**

**Start Date: January 4, 2007**

**XXX Class I report will follow**

Inmate may be housed in general population while waiting for due process.

xc: Dave Williams, Security Superintendent  
Capt. Carol Jefferson  
Capt. David Bamford  
Capt. Balwant Singh  
Primary Control  
Secondary Control  
Current Housing Unit Officer

Relocated Housing Unit Officer  
Tysa Bryant, Classification Officer II  
Program (sanctioned)  
Classification File  
Inmate File  
Inmate  
File

FORM #: 127 (P&B)  
(2-part NCR)  
Revised: 5/95

NOTICE OF DISCIPLINARY HEARING  
FOR MINOR/MAJOR OFFENSE

To be completed by  
Hearing Office  
DR

TO: Inmate: DE JESUS, DAVID SBI#: 209513 HOUSING UNIT: 1E

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122.)
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.  
How do you plead? ☐ Guilty ☒ Not Guilty
3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
  - a. Written Reprimand
  - b. Loss of one or more privileges for a period of time of more than 24 hours but less than 15 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
  - a. Loss of one or more privileges for a period of more than 15 days but less than 60 days.
  - b. Confinement to assigned quarters for a period of time not to exceed 30 days.
  - c. Isolation confinement for a period of time not to exceed 15 days.
  - d. Loss of good time for a period of time not to exceed 30 days.  
(Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
5. You have the right in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.
6. Counsel requested? ☐ Yes ☒ No Name of Counsel: \_\_\_\_\_
7. Witness requested? ☒ Yes ☐ No Name(s) of Witness: Dr. Smith
8. Confront accuser? ☒ Yes ☐ No \_\_\_\_\_

I certify that on 4/9/07 at 4:44, I served  
(date) (time)

upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and (2) the Disciplinary Report is attached hereto.

I have received copies of 122 & 127 and understand my rights as Form # 127 has been read to me.

(Employee's Signature & Title)

(Inmate's Signature)

\*\*\*\*\*

INMATE RIGHTS IN THE DISCIPLINARY PROCESS

MINOR OFFENSE

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent, your silence will not be considered against you at the Disciplinary Hearing. In all other circumstances, silence at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the Hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reason for such exclusions shall be stated in writing.



**Impartial Hearing Officer:** You have the right to be heard by an Impartial Hearing Officer, who shall not have witnessed the incident in question, been involved in preparation of the charge, or otherwise biased against you. Such Hearing Officer shall not have had supervisory responsibility over you during the six months immediately preceding the hearing and shall be of a rank no lower than Lieutenant.

**Make Statement and Present Evidence:** You have the right to make a statement and present any reasonable evidence, including written statements from others in your behalf.

**Record of Findings:** You have the right to receive a written record of the Disciplinary Hearing. Such record shall state the findings of the Hearing Officer, summarize the evidence relied upon, and will state the sanctions imposed, if any.

**Appeal:** You have the right to appeal the decision of the Hearing Officer to the Commissioner of the Department of Correction or his designee. At the Disciplinary Hearing you will be provided with an appeal form. Execution of any sanction imposed by the Hearing Officer shall be automatically stayed for seventy-two (72) hours immediately following the hearing **UNLESS YOU INDICATE ON THE APPEAL FORM THAT YOU DO NOT INTEND TO APPEAL.** The purpose of the automatic stay is to afford you time to decide if you want to appeal. If you file an appeal within seventy-two (72) hours immediately following the hearing, the Hearing Officer **MUST** stay the execution of the sanction until an appeal decision is rendered. If you do not file an appeal within seventy-two (72) hours immediately following the hearing **OR** if you indicate on the appeal form that you do not want to appeal, the sanction shall be executed. The 72-hour time limit will run only while you are incarcerated at the institution.

#### **MAJOR OFFENSE**

**(All of the above plus the following)**

**Counsel:** You have the right to consult with counsel substitute prior to the hearing. At the hearing, you may be accompanied by a counsel substitute who may be either a staff member or an approved inmate. The extent to which counsel substitute may present your case at a Disciplinary Hearing shall be within the discretion of the Hearing Officer, taking into consideration such factors as your literacy, intelligence, the complexity of the issues under consideration, and other factors which may prevent you from making a complete presentation on your own behalf.

**Pre-Hearing Detention:** You have the right to remain in your existing status until the hearing unless you become sufficient threat to other inmates, staff members, or yourself to warrant pre-hearing detention. If pre-hearing detention is ordered by the Shift Supervisor of your unit, that order must be reviewed by the Warden or his designee every 24 hours. Failure to do so will cause you to return to your previous status. Any time spent in pre-hearing detention will be credited against any subsequent sanction imposed.

**Copies of Written Information:** You have the right to receive copies of any written information which the Hearing Officer may consider except where disclosure of such information would be unduly hazardous to institutional safety or would endanger the physical safety of an individual, reasons for non-disclosure to be stated in writing. In all other cases where written information is not disclosed, the contents will be summarized for you to the extent this may be done without creating a substantial risk to institutional or personal safety.

**Call Witness:** You have the right to call witnesses on your behalf unless doing so would be irrelevant, redundant, unduly hazardous to institutional safety, or would endanger the physical safety of any individual; such reasons will be stated in writing by the Hearing Officer.

**Confront and Cross-examine Accuser:** You have the right to confront and cross-examine your accuser (the author of the Disciplinary Report) and all witnesses who testify against you unless doing so would be unduly hazardous to institutional safety or would endanger the physical safety of the witness; such reasons for denial will be stated in writing by the Hearing Officer.

I had to write in pencil because  
they have put me in the hold, no pen  
please help me and let me know  
you got this I need out of this Jail  
they are killing me



David DeZeeuw Sr  
209513  
PO BOX 9561  
Wilmington DE 19809

US District Court #06-209-JJF  
844 W King St  
Lock Box 18  
Wilmington DE 19801  
U.S.M.S.  
X-RAY

